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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/072,110	02/08/2002	Takashi Miyoshi	15257	2541
7590 05/18/2004				
Scully, Scott, Murphy & Presser 400 Garden City Plaza Garden City, NY 11530				
			EXAMINER	
			BLACKMAN, ROCHELLE ANN J	
			ART UNIT	PAPER NUMBER
			2851	
DATE MAILED: 05/18/2004				

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

10/072,110

Applicant(s)

MIYOSHI, TAKASHI

Examiner

Rochelle Blackman

Art Unit

2851

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 30 April 2004.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1,2,8 and 12-19 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☐ Claim(s) \_\_\_\_\_ is/are rejected.
- 7) ☒ Claim(s) 8 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 10 May 2002 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

## **DETAILED ACTION**

### ***Response to Arguments***

Applicant's arguments with respect to claims 1, 2, 8, and 12-19 have been considered but are moot in view of the new ground(s) of rejection.

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1, 2, 12-19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Osterweil et al., U.S. Patent No. 6,567,682.

Osterweil discloses a "stereo adapter which is mounted in front of an imaging optical system of a camera to photograph a parallax image of an object and an image including information on at least one of color tone and contrast of the object"(see 102, 104, 106, 108, 110, 112, and 136 of Fig. 5), the stereo adapter comprising: an optical system which has "two light-receiving modules"(see 106 and 110 of Fig. 5) "provided so as to be spaced apart from each other by a predetermined distance in a direction of a base line"(see Fig. 5) "to receive light from the object and which direct the received light from each of the two light-receiving modules to the imaging optical system of the camera"(see 108 and 112 of Fig. 5); a "pattern projection module which projects a

predetermined pattern onto the object when taking a photograph to obtain distance information on the object”(see 136 of Fig. 5); and “wherein...the pattern projection module” is “provided in a space inner than the two light-receiving modules”(see position of “pattern projection module” 136 in Fig. 5); “wherein the pattern module is provided below the light-emitting module; wherein the pattern projection module is provided below the light-emitting module; and wherein the pattern projection module is provided below the light-emitting module;”(see location of 136 in Fig. 5); and an “inputting module for inputting a photographing timing signal from the camera; a processing circuit which alternatively performs light emission by the light-emitting module and pattern projection by the pattern projection module in accordance with an input of the photographing timing signal to the inputting module; and wherein light emission by the light-emitting module and pattern projection by the pattern projection module are performed alternatively”(see 125 and 132 of Fig. 5 and col. 12, line 60 to col. 13, line 16).

Osterweil does not appear to disclose a “light-emitting module which emits light for illuminating the object with light having no pattern when taking a photograph to obtain information on the at least one of color tone and contrast of the object”; a light-emitting module “provided in a space between the two light-receiving modules”; a light-emitting module is “disposed at an intermediate position between said two light-receiving modules”; a light-emitting module “provided on the base line or above the base line”; and the pattern projection module “provided below the light-emitting module”.

However, Osterweil teaches providing a flash light, which may optionally be attached to the camera 100 or other part of the system, for providing a controlled light condition by artificial light (see col. 12, lines 60-67).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to place the flash light, suggested at col. 12, lines 60-67, centrally, "on the base line or below the base line", as well as above the "pattern projection module" 136, in the "stereo adapter" of the Osterweil reference, in order to avoid uneven illumination at the "light-receiving modules" 106 and 110.

***Allowable Subject Matter***

1. Claim 8 objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.
2. The following is a statement of reasons for the indication of allowable subject matter: Claim 8 has been found to be allowable because the prior art of record either alone or in combination neither discloses nor makes obvious the combination of the features of a "position changing mechanism which can support said light-emitting module and said pattern projection module in order for their order or positions to be varied in a direction orthogonal to the base line" in combination with the particular combination of features recited in claim 1.


***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Rochelle Blackman whose telephone number is (571) 272-2113. The examiner can normally be reached on M-F 8:00-4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Russell Adams can be reached on (571) 272-2851. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

RB

  
RUSSELL ADAMS  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 2800